

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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REGINALD L. ALMO,	}	
	}	
Petitioner,	}	
	}	
vs.	}	Case No. 06-2325-B/V
	}	
STEPHEN DOTSON,	}	
	}	
	}	

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ORDER DENYING APPLICATION FOR CERTIFICATE OF APPEALABILITY  
ORDER REITERATING CERTIFICATION THAT  
APPEAL IS NOT TAKEN IN GOOD FAITH  
AND  
ORDER ASSESSING APPELLATE FILING FEE

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Petitioner Reginald L. Almo, prisoner number 250995, who is an inmate at the Turney Center Industrial Prison ("TCIP") in Only, Tennessee, filed a petition under 28 U.S.C. § 2254 which the Court dismissed as timebarred on October 23, 2007. On November 15, 2007, Almo filed a notice of appeal. On November 16, 2007, Almo filed an application for a certificate of appealability.<sup>1</sup>

For the reasons expressed in the order of dismissal, the Court reiterates its previous holding denying a certificate of appealability and certifying any appeal as not taken in good faith. The motion for a certificate of appealability is DENIED.

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<sup>1</sup> The Clerk has incorrectly docketed the application for a certificate of appealability as a motion for leave to appeal in forma pauperis. Almo did not enclose a motion for leave to appeal in forma pauperis or any supporting documentation. The Clerk is ORDERED to correct the docket to reflect the correct motion and its denial.

Almo is obligated to pay the \$455 filing fee required by 28 U.S.C. §§ 1913 and 1917 within thirty (30) days of the entry of this order.<sup>2</sup> Pursuant to Fed. R. App. P. 22(b) and 24(5), Almo must make any further requests for a certificate of appealability or motion to proceed on appeal in forma pauperis to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED this 27<sup>th</sup> day of November, 2007.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The fee for docketing an appeal is \$450. See Judicial Conference Schedule of Fees, ¶ 1, Note following 28 U.S.C. § 1913. Under 28 U.S.C. § 1917, a district court also charges a \$5 fee:

Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or of a writ of certiorari \$5 shall be paid to the clerk of the district court, by the appellant or petitioner.